

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN**

WILLIAM JOHNSON, JILL JOHNSON,	)	
BRIAN MASON, NAOMI MASON, and	)	
SECOND AMENDMENT FOUNDATION, INC.,	)	
	)	
	)	
Plaintiffs,	)	
	)	No. 2:17-CV-124-PLM-TPG
v.	)	
	)	
NICK LYON, in his official capacity as Director of	)	
the Michigan Department of Health and Human	)	
Services,	)	
	)	
Defendant.	)	

**F.R.CIV.P. 15(a)(2) MOTION FOR LEAVE  
TO FILE AMENDED COMPLAINT AND FOR STATUS CONFERENCE**

Plaintiffs, WILLIAM JOHNSON, JILL JOHNSON, and SECOND AMENDMENT FOUNDATION, INC., by and through LAW FIRM OF DAVID G. SIGALE, P.C., their attorney, hereby moves this Honorable Court, pursuant to F.R.Civ.P. 15(a)(2), for leave to file an Amended Complaint in this matter. In support thereof, Plaintiffs state as follows:

1. Plaintiffs filed a currently-pending Complaint challenging Michigan DHHS Foster Care Rule 400.9415(3), both facially and as applied to foster parents who are qualified to possess and carry a firearm for self-defense purposes.

2. Effective January 3, 2020, the State amended Rule 400.9415 to state the following:

R 400.9415 of the Michigan Administrative Code is amended, in relevant part, as follows:

R 400.9415 Hazardous materials and firearm storage.

Rule 415. (1) Federal standards for a foster family or group home include specific safety requirements for weapons, pools, hot tubs, and spas, as these pose a particular preventable danger to children.

. . .

(3) Unless carried in the home as permitted by law, firearms and ammunition must be stored as follows:

(a) Firearms must be all of the following:

(i) Locked in compliance with 1 of the following:

(B) By a trigger-lock.

(C) In a gun safe.

(D) A solid metal gun case.

(E) A solid wood gun case.

(ii) Unloaded.

(iii) Separate from ammunition.

(iv) Inaccessible to children.

(b) Ammunition must be stored in a locked location and inaccessible to children.

3. As compared to the previous version of the Rule that is the subject of the Plaintiffs' original Complaint, Plaintiffs' ability to possess and use a firearm while being foster parents is changed in one way, while remaining unaffected in others. Therefore, Plaintiffs seek leave to file an Amended Complaint to reflect the passage of the amended Rule and its effect on the Plaintiffs.

4. The proposed Amended Complaint is attached hereto as Exhibit "A."

5. Additionally, the depositions of all parties and relevant government officials, approximately 15 in all, were repeatedly scheduled in the Marquette and Lansing areas and delayed, mostly due to the pending nature of the amended Rule.

Now that the amended Rule is finalized, Plaintiffs request a status conference to map out the upcoming steps in this litigation.

6. This Motion is not brought for dilatory purposes, or for purposes of delay, but only so that Plaintiffs may bring all issues and persons before the Court who are necessary to resolve Plaintiffs' claims.

7. Plaintiffs' counsel has conferenced with Defendant's counsel, and Defendant does not oppose the granting of this Motion, though Defendant's non-objection does not waive any rights, objections, or defenses as to said Amended Complaint.

WHEREFORE, the Plaintiffs, WILLIAM JOHNSON, JILL JOHNSON, and SECOND AMENDMENT FOUNDATION, INC., pray this Court grant them leave to file their Amended Complaint, *instanter*, set a status conference as to upcoming scheduling and discovery matters, and granting such other and further relief as this Court may deem proper and just.

Dated: January 21, 2020

/s/ David G. Sigale  
Attorney for Plaintiffs

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**CERTIFICATE OF ATTORNEY AND NOTICE OF ELECTRONIC FILING**

The undersigned certifies that:

1. On January 21, 2020, the foregoing document was electronically filed with the District Court Clerk *via* CM/ECF filing system;
2. Pursuant to F.R.Civ.P. 5, the undersigned certifies that, to his best information and belief, there are no non-CM/ECF participants in this matter.

/s/ David G. Sigale  
Attorney for Plaintiffs